

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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ABIGAIL RANSOM

VS.

M. PATEL ENTERPRISES, INC.

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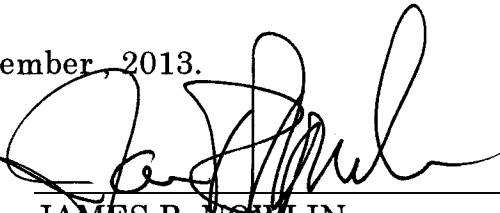
No. A-10-CA-857 AWA

ORDER

In a recent decision, the Fifth Circuit suggested in a footnote that, pursuant to 28 U.S.C. §636(c)(4), this Court might *sua sponte* vacate its reference to the magistrate judge to whom this case remains referred on the grounds that “there is some indication, from his express statements and writings, that the magistrate judge is resistant to the law.” *Ransom v. M. Patel Enterprises, Inc.*, 12-50534, 2013 WL 4402983 (5th Cir. Aug. 16, 2013). The Fifth Circuit, however, left the ultimate decision as to whether re-assignment is appropriate in the hands of this Court. *Id.* Having reviewed the underlying record and considered the issues raised in the Fifth Circuit’s opinion, this Court does not believe that this is an instance in which the magistrate judge will have “a substantial difficulty in putting out of his or her mind previously-expressed views or findings determined to be erroneous or based on evidence that must be rejected.” *League of United Latin Am. Citizens, Dist. 19 v. City of Boerne*, 675 F.3d 433, 440 (5th Cir.2012). Accordingly, this Court will not vacate its original referral of this matter to the magistrate judge and the case will remain in the magistrate’s hands, as originally

consented to by both parties to this case.

SIGNED this 17th day of September, 2013.



JAMES R. NOWLIN

UNITED STATES DISTRICT JUDGE